

1 COOLEY LLP  
Heidi Keefe (178960)  
2 (hkeefe@cooley.com)  
Lowell Mead (223989)  
3 (lmead@cooley.com)  
Priya B. Viswanath (238089)  
4 (pviswanath@cooley.com)  
3175 Hanover Street  
5 Palo Alto, California 94304  
Telephone: (650) 843-5000  
6 Facsimile: (650) 849-7400

7 COOLEY LLP  
Phillip Morton (*Pro Hac Vice*)  
8 (pmorton@cooley.com)  
1299 Pennsylvania Avenue  
9 NW, Suite 700  
Washington, DC 20004-2400  
10 Telephone: (202) 842-7800  
Facsimile: (202) 842-7899

11 *Attorneys for Defendant*  
12 Apple Inc.

13 **UNITED STATES DISTRICT COURT**  
14 **NORTHERN DISTRICT OF CALIFORNIA**  
15 **SAN FRANCISCO DIVISION**

16  
17 COREPHOTONICS, LTD.

18 Plaintiff,

19 vs.

20 APPLE INC.

21 Defendant.  
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24  
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Case No. 3:17-cv-06457-JD (lead case)  
Case No. 5:18-cv-02555-JD

**DEFENDANT'S ADMINISTRATIVE  
MOTION TO CONSIDER WHETHER  
ANOTHER PARTY'S MATERIAL  
SHOULD BE SEALED**

Pursuant to Civil L.R. 7-11 and 79-5(f), Defendant Apple Inc. (“Apple”) respectfully files this motion to consider whether another party’s material should be sealed. Specifically, Apple seeks to file under seal certain portions of materials that were designated as confidential by Plaintiff Corephotonics, Ltd. (“Corephotonics”) under the Protective Order in this case (Dkt. 77).

## **I. LEGAL STANDARD**

The Ninth Circuit treats dispositive versus non-dispositive motions (and documents attached thereto) differently for purposes of sealing. *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006); *Ctr. for Auto Safety v. Chrysler Grp.*, 809 F.3d 1092, 1098 (9th Cir. 2016). Whereas dispositive motions are subject to the “compelling reason” standard, non-dispositive motions are subject to the “good cause” standard. *Kamakana*, 447 F.3d at 1179-80 (detailing distinction between “compelling reason” and “good cause” standards as applied to dispositive and non-dispositive motions).

## **II. ARGUMENT**

The following portions of Apple’s reply brief filed in support of its Motion to Dismiss For Lack of Standing, filed concurrently herewith, constitute, contain, and/or reflect materials that Corephotonics designated as “Confidential — Attorney’s Eyes Only” under the Protective Order in this action (Dkt. 77):

<b>Materials Sought to be Sealed</b>	<b>Sealing Request</b>
Portions of reply brief in support of Apple’s Motion to Dismiss for Lack of Standing	Narrowly tailored portions of Reply reflecting materials designated “Confidential — Attorney’s Eyes Only” by Corephotonics

Apple does not take a position on whether or not the materials identified above and designated as confidential by Corephotonics should properly be withheld, but has filed this motion in compliance with the Protective Order and Civil L.R. 79-5(f). The relief requested in this motion is necessary and is narrowly tailored to protect asserted confidential information.

## **III. COURT’S STANDING ORDER**

Apple confirms that it has reviewed and complied with the Court’s Standing Order Governing Administrative Motions to File Materials Under Seal and Civil Local Rule 79-5.

IV. CONCLUSION

For the reasons set forth above, Apple respectfully requests that the Court grant an Order allowing Apple to file under seal the materials identified the table above.

Dated: February 6, 2024

Respectfully submitted,

COOLEY LLP

By: /s/ Heidi L. Keefe

Heidi L. Keefe (178960)

(hkeefe@cooley.com)

Lowell Mead (223989)

(lmead@cooley.com)

Priya B. Viswanath (238089)

(pviswanath@cooley.com)

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Palo Alto, California 94304

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Facsimile: (650) 849-7400

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Phillip Morton (*Pro Hac Vice*)

(pmorton@cooley.com)

1299 Pennsylvania Avenue

NW, Suite 700

Washington, DC 20004-2400

Telephone: (202) 842-7800

Facsimile: (202) 842-7899

*Attorneys for Defendant*

*Apple, Inc.*

**CERTIFICATE OF SERVICE**

I am a citizen of the United States and a resident of the State of California. I am employed in Santa Clara County, State of California. I am over the age of eighteen years, and not a party to the within action. My business address is Cooley LLP, 3175 Hanover Street, Palo Alto, CA 94306. On the date set forth below I served the foregoing documents in the manner described below:



(BY ELECTRONIC MAIL) I am personally and readily familiar with the business practice of Cooley LLP for the preparation and processing of documents in portable document format (PDF) for e-mailing, and I caused said documents to be prepared in PDF and then served by electronic mail to the parties listed below.

on the following part(ies) in this action:

Marc Fenster  
Benjamin Wang  
Brian D. Ledahl  
Neil A. Rubin  
James S. Tsuei  
RUSS AUGUST & KABAT  
12424 Wilshire Boulevard, 12th Floor  
Los Angeles, California 90025  
Telephone: (310) 826-7474  
Facsimile: (310) 826-6991  
mfenster@raklaw.com  
bwang@raklaw.com  
bledahl@raklaw.com  
nrubin@raklaw.com  
jtsuei@raklaw.com

*Attorneys for Plaintiff Corephotonics, Ltd.*

Executed on February 6, 2024, at Palo Alto, California.

/s/ Tracy Gibbs

Tracy Gibbs